

REMARKS

Claims 1-16 are currently pending in the present application. It is respectfully submitted that the pending claims define allowable subject matter.

In the outstanding Office Action, claims 1-4, 6-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,424,996 ("Killcommons"), and United States Patent No. 5,649,185 ("Antognini"). Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Killcommons, Antognini and further in view of Computer Dictionary Third edition, Microsoft Press, 1997, ISBN 1-57231-446-X, p. 462. For the reasons discussed below, and already set forth during earlier prosecution of the present application, the Applicants respectfully traverse these rejections.

The Applicants first turn to the rejection of claims 1-4, 6-12, and 14-16 under 35 U.S.C. 103(a) as being unpatentable over Killcommons and Antognini. Section 2142 of the MPEP states that in order for a prima facie case of obviousness to be established, three basic criteria must be met, one of which is that the reference or combinations of references must teach or suggest all the claim limitations.

In the outstanding Office action, the Examiner admits that Killcommons does not specifically teach "storing first or second stored identification data on the server in response to the first and second identification data as provided by the first or second interface." Also, Applicants respectfully submit that the combination of Killcommons and Antognini does not teach, nor suggest, storing first stored identification data on the server in response to the first identification data, storing second stored identification data on the server in response to the second identification data, and viewing said first and second identification data by accessing said first and second

identification data in the server through said network, as does the invention of claim 1 of the present application.

Antognini “concerns electronic library services in which machine-executed processes manage collections of data representing books, papers, folder, personal files, and other informational media of durable value.” Antognini at Column 1, lines 13-16. Antognini relates to libraries, but not medical facilities.

The inventors contemplate that a library employing the library service subsystem of the invention would be for the purpose of replacing the paper objects forming the library collection with data images. In this regard, data images are data representations of the *paper objects normally stored in the library*. Paper objects may include texts, images, or both.

Id. at Column 3, lines 18-24 (emphasis added). Imaging data resulting from first and second patients is not normally stored in a library. Further, “the intent of the invention is to mimic conventional libraries, providing a close analog to physical collections of books and other documents.” *Id.* at Column 3, lines 12-15. Further, “the library service subsystem of the invention would be for the purpose of replacing the paper objects forming the library collection with data images.” *Id.* at Column 3, lines 19-22. Overall, Antognini does not teach, nor suggest, “imaging data resulting from first and second patients” as recited in claim 1.

As stated above, the Examiner noted that Killcommons does not teach “storing first or second stored identification data on the server in response to the first and second identification data as provided by the first or second interface.” As recited in claim 1 of the present application, the first and second identification data identifies the first and second imaging data, respectively. Because Antognini does not teach, nor suggest, “imaging data resulting from first and second

patients,” it cannot teach, nor suggest, first and second identification data that identifies the first and second imaging data, respectively. Thus, Antognini does not teach, nor suggest, storing first and second identification data [identifying the first and second imaging data, respectively] on the server in response to the first and second identification data,” as recited in claim 1. The Applicants respectfully submit that the combination of Killcommons and Antognini does not render claim 1 of the present application unpatentable for at least this reason.

Additionally, Antognini uses a plurality of servers (e.g., library servers and object servers) to provide “access when a library user seeks to store, retrieve, or replace a data object in the library.” *See id.* at Column 2, lines 1-33. The purpose of Antognini is “to manage access to images which are stored in a plurality of physically and geographically separate storage resources.” *Id.* at Column 3, lines 1-3. Each server is a machine that includes a storage resource. Antognini defines a server as a machine including a storage resource.

Parenthetically, the inventors observe that the word “server” is often used ambiguously, even within a single reference. The term may denote *a machine including a storage resource* and several processes mediating access to the resource. Alternatively, it may denote one of those processes. In this description, the term “server” is used in the first sense, the word “process” being appended when the later is intended.

Id. at Column 4, lines 37-44 (emphasis added). As shown above, Antognini defines a server as a machine including a storage resource. Therefore, while Antognini may manage access to images in a plurality of physically geographically locations, each of those locations includes its own separate storage resource. “Each ‘library server’ controls access to a single library at a time, maintaining data necessary to implement specified integrity, security and access conditions.” *Id.* at Column 3, lines 49-52. That is, each location uses its own separate servers.

The entire system of Antognini, as shown in Figure 1, is contained within a single location, namely a library. That is, unlike the claims of the present application, there is no first location, such as a hospital, and a second location, such as a clinic, that are remotely located from one another. The entire system is contained within a single environment. In Antognini, the users access the library server, etc., at a location that is proximate the library server. Antognini merely replaces the paper library with a digital library. However, Antognini does not teach, nor suggest, accessing information from a single server of the library from remote locations. Rather, as discussed above, Antognini's libraries each have their own servers, but there is no central server common to a plurality of libraries.

The Examiner noted that "Killcommons does not specifically teach storing first or second stored identification data on the server [located at the first location] in response to the second identification data as provided by the first or second interface." Similarly, Antognini does not teach, nor suggest, storing first and second data information on the server located at the first location, as recited in claim 1. Thus, for this reason, the Applicants respectfully submit that the combination of Killcommons and Antognini does not render claim 1 unpatentable.

Additionally, even assuming that the combination of Killcommons and Antognini discloses a single central location that is used to store information from a plurality of locations, the combination teaches a location that includes a plurality of servers that store the information.

At 276, the library server constructs and sends a message requesting storage of image representation VAL' under the identifier ID'. This causes the selected image server to engage in stored protocol steps 3 and 4 (FIG.1) with the library client. Assuming conventional image server operation, the image representation VAL' will be stored by the image server at a location indexed by the image identifier ID'.

The library server waits at step 276 until it receives positive acknowledgement... from the image server.

Id. at Column 16, lines 29-40. Antognini discloses a plurality of servers at a single location. Figure 1 of Antognini clearly shows multiple servers within a single library (*See* library server 12, image server 14, and image server 15). As discussed above, each “location” in Antognini has its own servers. Data from a separate location is stored on separate servers. However, the combination of Killcommons and Antognini does not teach, nor suggest, storing “first and second stored identification data on [a] server [located at the first location],” as recited in claim 1. Consequently, the combination also does not teach, nor suggest, viewing “said first and second identification data by accessing said first and second stored identification data in the server through said network,” as recited in claim 1. Thus, in addition to the reasons already discussed, the combination of Killcommons and Antognini does not render claim 1 of the present application unpatentable.

Based on at least the foregoing, Applicants believe and respectfully submit that the rejection of claim 1 as being unpatentable over Killcommons and Antognini has been overcome and should be removed.

With regard to the rejection of claim 9 being unpatentable over Killcommons and Antognini, Applicants respectfully submit that at least the same foregoing reasons set forth for claim 1 overcome the rejection and, therefore, the rejection should be removed.

With regard to the rejection of claims 2-4, 6-8, 10-12, and 14-16 being unpatentable over Killcommons and Antognini, Applicants respectfully submit that at least the same foregoing reasons set forth for claims 1 and 9 above overcome the rejection and, therefore, the rejection should be removed because claims 2-4 and 6-8 are dependent on claim 1, and claims 10-12 and 14-16 are dependent on claim 9.


With regard to the rejection of claims 5 and 13 being unpatentable over Killcommons and Antognini as applied to claim 4 and further in view of Computer Dictionary, Third edition, Microsoft Press, 1997, ISBN 1-57231-446-X, p. 462, Applicants respectfully submit that at least the same foregoing reasons set forth for claims 1 and 9 above overcome the rejection and, therefore, the rejection should be removed because claims 5 and 13 are dependent on claims 1 and 9, respectively.

In view of the foregoing, it is respectfully submitted that pending claims 1-16 of the present application define allowable subject matter. A favorable action on the merits is respectfully requested.

Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the telephone number listed below. Please charge any additional fees or credit overpayment to Applicants' Deposit Account 50-2401.

Respectfully submitted,

Date: July 29, 2003

By: 

Joseph M. Bujscher
Reg. No. 48,326
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775 - 8100